

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

GALILEA, LLC, and TAUNIA KITTLER,

Plaintiffs,

-vs-

PANTAENIUS AMERICA LIMITED,
ANDREA M. GIACOMAZZA, AGCS
MARINE INSURANCE COMPANY,
LIBERTY MUTUAL INSURANCE
COMPANY, and TORUS INSURANCE
COMPANY,

Defendants.

Case 2:18-cv-00037-SEH

**DECLARATION OF
BRIAN P. R. EISENHOWER**

Brian P. R. Eisenhower declares under penalty of perjury:

1. I am an attorney admitted to practice in the states of New York and New Jersey and in various federal courts including the Courts of Appeals for the Second and Ninth Circuits.

2. I practice with Hill Rivkins LLP and have served as one of the attorneys representing AGCS Marine Insurance Company, Liberty Mutual Insurance Company, and Torus National Insurance Company in relation to the GALILEA dispute since 2015. I briefed and argued the appeal of the first District of Montana action in the Court of Appeals for the Ninth Circuit, and have served as counsel in the arbitration proceedings pending before the American Arbitration

Association (“AAA”) in New York, case number 01-15-0004-4914. As such, I am fully familiar with the facts of this dispute.

3. After the District of Montana issued its order dated February 9, 2018, amending its April 5, 2016, order to grant the underwriters’ motion to compel arbitration in its entirety and dismiss the case, the New York arbitration proceedings resumed after having been stayed by the Court’s orders dated September 29, 2015, and April 5, 2016.

4. On April 23, 2018, for the first time, Mr. Chris Kittler purported to personally assert claims against the underwriters, in the Objections, Answer, Affirmative Defenses, and Counterclaims served by Galilea, LLC and Mr. Kittler in the AAA arbitration. A copy of this arbitration pleading is attached hereto as **Eisenhower Exhibit 1.**

5. By letter dated July 16, 2018, the AAA affirmed that the Arbitral Panel had been fully constituted.

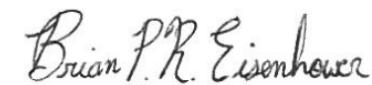
6. On August 15, 2018, the arbitrators held a Preliminary Hearing Conference with the undersigned and Joseph J. Gleason, Esq., counsel for Galilea, LLC and Mr. Kittler. Hearings in New York are scheduled for December 12-14, 2018, pending confirmation of witness availability.

7. Over the underwriters' objections, the Arbitral Panel informed the parties on August 20, 2018, that it has granted Mr. Kittler's request to join the arbitration as an additional party.

8. The filing of the counterclaims asserted by Galilea, LLC and Mr. Kittler must be perfected by payment of the AAA's filing fee. The undersigned has not been advised as to whether payment has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 24, 2018



Brian P. R. Eisenhower